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10  
 11 *Attorneys for Plaintiff Joseph Marchal*

12  
 13 **IN THE UNITED STATES DISTRICT COURT**  
 14 **FOR THE DISTRICT OF NEVADA**

15 JOSEPH MARCHAL, derivatively on behalf of  
 16 Nominal Defendant ELDAN VEGAS HOT,  
 LLC, a Nevada limited liability company;

17 Plaintiff,  
 18 v.  
 19 JSR Wellness LLC, a Nevada limited liability  
 20 company; Kekoanui Quipotla, a Nevada  
 resident; Jessica Hood, a Nevada resident; and  
 21 Caitlin Perry, a Nevada resident;

22 Defendants.  
 23 And ELDAN VEGAS HOT, LLC, a Nevada  
 limited liability company,  
 24 Nominal Defendant.

25

26 Pursuant to Fed. R. Civ. P. 6(b)(1)(A) and L.R. IA 6-1, Joseph Marchal, derivatively on  
 27 behalf of Eldan Vegas Hot, LLC (“Plaintiff”), by and through his undersigned counsel, and  
 28 Defendants, JSR Wellness LLC (“JSR”), Kekoanui Quipotla (“Quipotla”), Jessica Hood (“Hood”),

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No. 2:21-cv-01770-GMN-NJK

**STIPULATION TO EXTEND  
 DEADLINE FOR PLAINTIFF TO  
 AMEND THE COMPLAINT**

**(First Request)**

1 and Caitlin Perry (“Perry”) (collectively, the “Defendants”, and together with Plaintiff, the  
2 “Parties”), hereby stipulate to extend the deadline to amend the Complaint until January 7, 2022  
3 and the deadline to Answer the complaint until January 28, 2022.

4 The Parties seek this extension in good faith and not for the purposes of undue delay.  
5 Because the Parties are requesting an extension after the 21-day safe harbor has expired, they also  
6 warrant that excusable neglect exists for this delay. Plaintiff discovered during settlement  
7 discussions that another party has been using the infringing trademark and trade secret materials.  
8 Plaintiff now needs to adjust the claims asserted against JSR Wellness and add another defendant  
9 to the pleadings. This information was not discovered until after the 21-day window; thus, it would  
10 have been impossible for Plaintiff to amend the Complaint accurately before the settlement  
11 discussion. Good cause also exists for this extension because the Parties have been working  
12 together to establish deadlines and establish potential claims for settlement. These scheduling  
13 changes will not unduly delay resolution of this litigation.

14 The procedural posture of this case is as follows:

15 WHEREAS, on September 24, 2021, Plaintiff commenced this action by filing a Verified  
16 Derivative Complaint (Jury Trial Demanded) against the Defendants;

17 WHEREAS, on September 27, 2021, Summons were issued to all the Defendants;

18 WHEREAS, on October 21, 2021, Defendant Quipotla was served with a Summons and the  
19 Complaint;

20 WHEREAS, on November 1, 2021, Defendant Perry was served with a Summons and the  
21 Complaint;

22 WHEREAS, on November 3, 2021, Defendant Hood was served with a Summons and the  
23 Complaint;

24 WHEREAS, on November 3, 2021, Defendant JSR was served with a Summons and the  
25 Complaint;

26 WHEREAS, the Parties agreed, and the Court consented, to extend the deadline for all the  
27 Defendants to answer or otherwise respond to the Complaint to December 9, 2021;

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1           WHEREAS, the Plaintiff requests to extend the deadline to amend the Complaint and  
2 extend the deadline for Defendants to answer the Complaint;

3           NOW, THEREFORE, the Parties agree and stipulate that, subject to the Court's approval,  
4 the deadline for Plaintiff to amend the Complaint shall be January 7, 2022, and the deadline all  
5 Defendants to answer or otherwise respond to the Complaint shall be January 28, 2022.

6  
7  
8           DATED this 14th day of December 2021.

9           DATED this \_\_\_\_\_ day of December 2021.

10          SNELL & WILMER L.L.P.

JSR WELLNESS, LLC

11          \_\_\_\_\_  
12          /s/ *Charles E. Gianelloni*  
13          Blakeley E. Griffith (NV Bar No. 12386)  
14          Charles E. Gianelloni (NV Bar No. 12747)  
15          3883 Howard Hughes Parkway, Suite 1100  
16          Las Vegas, Nevada 89169  
17          Phone: (702) 784-5200  
18          Fax: (702) 784-5252

By: \_\_\_\_\_

Its: \_\_\_\_\_

19          *Attorneys for Plaintiff Joseph Marchal*

20          DATED this \_\_\_\_\_ day of December 2021.

21          \_\_\_\_\_  
22          Kekoanui Quipotla

23          DATED this \_\_\_\_\_ day of December 2021.

24          \_\_\_\_\_  
25          Jessica Hood

26          DATED this \_\_\_\_\_ day of December 2021.

27          \_\_\_\_\_  
28          Caitlin Perry

29          \_\_\_\_\_  
30          ///

31          \_\_\_\_\_  
32          ///

33          \_\_\_\_\_  
34          ///

1           WHEREAS, the Plaintiff requests to extend the deadline to amend the Complaint and  
2 extend the deadline for Defendants to answer the Complaint;

3           NOW, THEREFORE, the Parties agree and stipulate that, subject to the Court's approval,  
4 the deadline for Plaintiff to amend the Complaint shall be January 7, 2022, and the deadline all  
5 Defendants to answer or otherwise respond to the Complaint shall be January 28, 2022.

6  
7  
8  
9           DATED this \_\_\_\_\_ day of December 2021.

10           DATED this \_\_\_\_\_ day of December 2021.

11           SNELL & WILMER L.L.P.

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18           *Attorneys for Plaintiff Joseph Marchal*

19           JSR WELLNESS, LLC

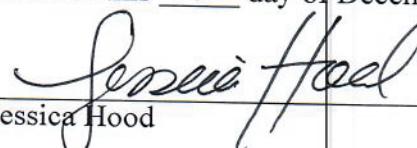
20           By: 

21           Its: 

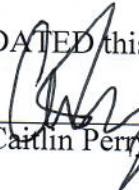
22           DATED this 13 day of December 2021.

23             
24           Kekoanui Quipotla

25           DATED this 13 day of December 2021.

26             
27           Jessica Hood

28           DATED this 13 day of December 2021.

29             
30           Caitlin Perry

## **ORDER**

The Court having considered the foregoing joint motion by the Parties, and good cause appearing,

**IT IS HEREBY ORDERED** that Plaintiff has until January 7, 2022 to amend the original Complaint, and that all Defendants shall have until January 28, 2022 to answer or otherwise respond to Plaintiff's Complaint.

DATED December 15, 2021

**United States Magistrate Judge**

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